



Virginia  
Regulatory  
Town Hall

## Notice of Intended Regulatory Action Agency Background Document

<b>Agency Name:</b>	Department of Health
<b>VAC Chapter Number:</b>	12
<b>Regulation Title:</b>	Regulations for Disease Reporting and Control
<b>Action Title:</b>	Amend existing regulations
<b>Date:</b>	August 1, 2002

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

### Purpose

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

In response to the 2002 General Assembly amending §32.1-35 and 32.1-36 of the Code of Virginia with the passage of House Bill 146, amendments to the Regulations for Disease Reporting and Control are being proposed, requiring laboratories to report their inventories and changes in inventories of dangerous microbes and pathogens to the Department of Health. Additionally, changes will be made to the existing disease reporting and control regulations so that they comply with current public health practices, facilitating efforts to capture, measure and contain emerging diseases and protecting the health of the citizens of the Commonwealth.

### Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

Chapter 2 of Title 32.1 of the Code of Virginia, Sections 32.1-35 through 32.1-73, contains mandatory language authorizing the State Board of Health to promulgate the proposed regulations. Specifically, Section 32.1-35 directs the Board of Health to promulgate regulations specifying which diseases occurring in the Commonwealth are to be reportable and the method by which they are to be reported. Further, Section 32.1-42 of the Code of Virginia authorizes the Board of Health to promulgate regulations and orders to prevent a potential emergency caused by a disease dangerous to public health. Section 32.1-12 of the Code of Virginia empowers the Board of Health to adopt such regulations as are necessary to carry out provisions of laws of the Commonwealth administered by the commissioner of the Department of Health.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC320100000020000000000000>

## Substance

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

Proposed amendments to the Regulations for Disease Reporting and Control include: adding and changing definitions to clarify the disease reporting process; amending the list of diseases which are reportable by laboratories, including adding new diseases and updating confirmatory tests; requiring private laboratories to submit designated specimens to the state laboratory for confirmation and further testing, which is currently required only for hospital laboratories; updating requirements of physicians and laboratories for the reporting and management of tuberculosis; updating requirements for reporting of cancer; and adding a section defining the procedures for laboratories to report inventories of dangerous microbes and pathogens. Amendments are necessary in order to bring the Regulations for Disease Reporting and Control into compliance with current public health practices.

At this time, there are no known potential issues that need to be addressed regarding amending the regulations.

## Alternatives

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

In light of the clear, specific and mandatory authority of the State Board of Health to promulgate the proposed amendments to the regulations, no alternatives have been considered, nor are any warranted. The proposed amendments to the regulations, however, have been

carefully drafted to ensure that they embody the most appropriate, least burdensome and least intrusive framework for effectively administering disease reporting and control in Virginia.

### Family Impact Statement

*Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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There is no anticipated impact from the proposed amendments to the regulations on the institution of the family or family stability, except to the extent that protecting the health of citizens is beneficial to families.